

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EOH SALEM HOLDING L.L.C., an
Oregon limited liability company,

Plaintiff,

Civil No. 07-611-AS

v.

O R D E R

ANDREW V. MARTINI,

Defendant.

HAGGERTY, Chief Judge:

Magistrate Judge Ashmanskas issued a Findings and Recommendation [26] in this action that recommended that defendant's Motion to Dismiss [10] should be granted, and this action should be stayed pending arbitration pursuant to 9 U.S.C. § 3.

No objections were filed to this Findings and Recommendation, and the case was referred to me. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b). When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate. *Campbell v. United States Dist. Ct.*, 501 F.2d 196 (9th Cir. 1974).

No clear error appears on the face of the record. This court adopts the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Magistrate Judge's Findings and Recommendation [26] is adopted. Defendant's roles as Manager and Member are inextricably intertwined, regardless of whether plaintiff's claims are directly against defendant for breach of contract rights or are derivative, and as such, are subject to arbitration. Defendant's Motion to Dismiss [10] is granted, and this action is stayed pending arbitration pursuant to 9 U.S.C. § 3.

IT IS SO ORDERED.

Dated this 3 day of December, 2007.

/s/Ancer L. Haggerty
Ancer L. Haggerty
United States District Judge